

REMARKS/ARGUMENTS

The non-final office action of May 24, 2006 (the Office Action) has been reviewed and these remarks are responsive thereto. Claims 1-4, 6, and 9-45 are pending in the application. By this amendment claims 1-4, 6, 9-14, 19, 24-31, 36-41 and 43 have been amended and new claim 44 has been added.

Note that claims 28 and 41 have been rewritten in independent form to include the subject matter of their respective base claim and any intervening claims. However, claims 28 and 41 have not been substantively amended.

Claims 1, 4, 6, 9-12, 14-27, 30-40 and 43

Claims 1, 4, 6, 9-12, 14-27, 30-40 and 43 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (Odom) in view of U.S. patent publication no. 2002/0049833 to Kikinis (Kikinis). Reconsideration and allowance are respectfully requested.

A. The Office Action mischaracterizes claimed subject matter pertaining to personalization and/or user preferences, which is not taught or suggested by Odom.

Independent claim 1, as amended, recites an apparatus in which the “response user interface is configured to display said pertinent information according to the preferences of the user stored by said interactive provider server.” Emphasis added.

Independent claims 14 and 19 each recite the steps of “storing preferences of a user associated with said client in said server” and “personalizing said real-time interactive content according to the preferences of said user.” Similarly, independent claim 30 recites means for performing each of these steps.

Independent claim 31 recites the subject matter of “configuring, by said client device, said interface page to display said information according to preferences of a user of said client device.”

Independent claim 36 recites, “wherein the interface page is configurable by the client device to display said interaction information according to preferences of a user of said client device stored in said interactive provider server.” Similarly, independent claim 43 recites,

“wherein the interface component is configurable to display said interaction information according to preferences of a user of the device stored in said interactive provider server.”

At least this inventive subject matter of independent claims 1, 14, 19, 30, 31, 36 and 43 is not taught or suggested by Odom.

The Office Action asserts, “Odom teaches an interface page ... for providing information pertinent to the real-time interactive content to the client; *the page configured to display information according to predetermined criteria.*” Emphasis added. Page 3, lines 6-9. The Office Action mischaracterizes the claimed subject matter of independent claims 1, 14, 19, 30, 31, 36 and 43 pertaining to configuring the interface page according to preferences of the user, which, according to independent claims 1, 14, 19, 30, 36 and 43, are stored by the interactive provider server. Instead, the Office Action refers to general teachings in Odom of filter mechanisms at the internal or external proxy. Office Action, page 3, lines 8-11.

General teachings for filtering data at a server according to predefined parameters, as identified in the Office Action, fail to teach or suggest the inventive subject matter of an interface page that can be configured by the client to display the pertinent information according to the preferences of a user of the client as recited in independent claims 1, 31 and 36, and which can be stored by the interactive provider server, or the inventive subject matter of personalizing the real-time interactive content as recited in independent claims 14 and 19. For at least this reason, Applicants respectfully submit that the Office Action fails to make a *prima facie* case for rejecting independent claims 1, 14, 19, 30, 31, 36 and 43 over Odom in view of Kikinis, as well as claims 4, 6, 9-12, 15-18, 20-27, 32-35 and 37-40 depending therefrom.

B. The combination of Odom in view of Kikinis fails to disclose both user interfaces recited in independent claims 1, 14 and 19 (as amended).

Independent claim 1, as amended, recites an apparatus that includes two interfaces. One provides real-time interactive content and the other simultaneously provides information pertinent to the real-time interactive content. In particular, the apparatus of independent claim 1 includes an interactive services user interface for providing real-time interactive content and a response user interface for providing information pertinent to the real-time interactive content to the client simultaneously with the real-time interactive content provided via the interactive services user interface.

Similarly, independent claims 14, 19 and 30 each recite the subject matter of simultaneously transferring configured real-time interactive content to the interactive services user interface and the pertinent information to the response user interface.

At least this inventive subject matter of independent claims 1, 14, 19 and 30 is not taught or suggested by Odom in view of Kikinis.

In contrast, Odom discloses a networked exchange system that permits clients to browse a database of listings “using standard navigational tools.” Col. 6, lines 5 and 6. The listings of Odom may be viewed using multiple scrollers of a partitioned user interface that work together to display the listings. Col. 8, lines 30-60. However, Odom fails to teach or suggest the inventive subject matter of an interactive services user interface for providing real-time interactive content and a response user interface for providing information pertinent to the real-time interactive content *simultaneously* with the real-time interactive content provided via the interactive services user interface, as recited in independent claim 1. Further, Odom fails to teach or suggest the inventive subject matter of simultaneously transferring configured real-time interactive content to the interactive services user interface and pertinent information to a response user interface of the client device to provide real-time interactive services to the user through the response user interface and the interactive services user interface of the client device, as recited in independent claims 14, 19 and 30. Kikinis fails to overcome this deficiency of Odom and it was not relied upon to do so.

For this additional reason, Applicants respectfully submit that independent claims 1, 14, 19 and 30 are allowable over Odom in view and Kikinis, as well as claims 4, 6, 9-12, 15-18 and 20-27 depending therefrom.

Claims 31-40 and 43

In addition to the reasons discussed above, Applicants respectfully submit that independent claims 31, 36 and 43 are allowable over Odom in view of Kikinis for the reasons discussed below, as well as claims 32-35 depending from independent claim 31 and claims 37-40 depending from independent claim 36.

Independent claim 31, as amended, recites the subject matter of “transmitting an interface page for providing information pertinent to interactive content related to a live video broadcast transmission ... [and] receiving the live video broadcast transmission.” Emphasis added.

Independent claim 36, as amended, recites the subject matter of “an interface page for providing on a display information pertinent to interactive content relating a live video broadcast transmission received from the interactive provider server.” Emphasis added.

Independent claim 43, as amended, recites the subject matter of “an interface component for providing on a display information pertinent to interactive content relating a live video broadcast transmission received from an interactive provider server.”

Neither Odom nor Kikinis disclose this inventive subject matter of independent claims 31, 36 or 43 pertaining to live video broadcast transmissions. Further, for at least the reasons discussed below with respect to claims 28, 29, 41 and 42, Applicants respectfully submit that these claims would be allowable over Odom in view of Kikinis and further in view of U.S. patent no. 6,666,769 to Stronach.

Accordingly, Applicants respectfully submit that independent claims 31, 36 and 43 are allowable over Odom in view of Kikinis, as well as claims 32-35 depending from independent claim 31 and claims 37-40 depending from independent claim 36.

Claims 28, 29, 41 and 42

Claims 28, 29, 41 and 42 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis and further in view of U.S. patent no. 6,666,769 to Stronach (Stronach). Applicants respectfully traverse these rejections.

The proposed modification would destroy the intended functionality of Kikinis and, thus, would not have been obvious.

Applicants respectfully submit that modifying Odom in view of Kikinis and further in view of Stronach as proposed in the Office Action would destroy the intended content-selection functionality of Odom and the intended data translation functionality of Kikinis. As such, the proposed modification would not have been obvious to one of ordinary skill in the art. It is well-grounded that a proposed modification would not have been obvious if it destroys its intended function. *See e.g., In Re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

As discussed above, the system of Odom permits a user to browse a database of listings and to select real-time content from the list to be viewed. Kikinis teaches a system for improving data transmission to computers via translating data “from Internet sources into a reduced-content form adapted specifically to the client device.” Abstract. The Kikinis system uses a proxy server between a server providing content and a client receiving the content, which converts the content to a format appropriate for the client such as a reduced-content format appropriate for a hand-held device. Page 6, par. 0073-0080.

In contrast, Stronach discloses a multimedia wagering system that “selects the race events for presentation on the wagering terminals 106 [in which] the user interface 136 does not include means for allowing wagerors to select a race event for wagering.” Emphasis added. Col. 7, lines 48 and 49. In other words, Stronach explicitly teaches that users cannot select the real-time content to be displayed on the terminal. In addition, the Stronach system seeks to maintain the same bandwidth requirements for all terminals by broadcasting the same content to all terminals. As noted in Stronach, “Since the race providing system 104 transmits the same race event to each wagering terminal 106 ..., the bandwidth requirements for presenting the race are less than that of the prior art wagering systems.” Col. 12, lines 24-29.

Presumably, the combination of Odom in view of Kikinis and further in view of Stronach would include the video control system of Stronach, as the Office Action relies upon Stronach for its teachings that users of the Stronach system “are provided not only with a real-time interactive content but are also enabled to watch live video feed events for and view betting information and other information related to the live video feeds.” Office Action, page 9, lines 8-10. Clearly, such a combination would destroy the intended ‘user-selection of content’ functionality of Odom due to Stronach’s video system control and selection of the live video content, which explicitly prevents users from selecting video content. In addition, Stronach’s mechanism for reducing bandwidth requirements would destroy, or at least render superfluous, the Kikinis’ functionality for converting content to reduce bandwidth requirements. Accordingly, it would not have been obvious to modify a system based on Odom in view of Kikinis to include the live video control system of Stronach, as doing so would destroy the intended functionality of the Odom and Kikinis systems.

Accordingly, Applicants respectfully submit that claims 28, 29, 41 and 42 are allowable over Odom in view of Kikinis and further in view of Stronach.

Claims 2, 3, 4 and 13

Claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis and further in view of either U.S. patent no. 5,764,913 to Jancke et al. (Jancke). Claims 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis and further in view of U.S. patent no. 6,712,702 to Goldberg et al. (Goldberg). Claims 4 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis and further in view of U.S. patent no. 5,848,396 to Gerace (Gerace). Applicants respectfully traverse these rejections.

Claims 2, 3, 4 and 13 depend from independent claim 1 and claims 41 and 42 depend from independent claim 36. Jancke, Goldberg and Gerace fail to overcome the deficiencies discussed above with respect to Odom in view of Kikinis as applied to independent claims 1 and 36, nor were they relied upon to do so. For at least this reason, Applicants respectfully submit that claims 2, 3, 4 and 13 are allowable over the cited prior art along with their respective base claim.

Claim 4

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis along with independent claim 1. Office Action, page 2, item 3. In addition, claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom in view of Kikinis and further in view of U.S. patent no. 6,712,702 to Goldberg et al. (Goldberg). Office Action, page 7, item 6. Applicants respectfully submit that these positions by the Patent Office are contradictory and improper.

In particular, the Office Action notes, “Odom/Kikinis does not teach the visual elements of the interface page and can be altered to color preference” (Office Action, page 7, lines 18-19) as recited in claim 4. Thus, according to its own statement, the first rejection to claim 4 noted on page 2 of the Office Action, which is based on Odom and Kikinis alone without Goldberg, is

improper and should be withdrawn, as Odom and Kikinis fail to teach the visual elements/color preference subject matter of claim 4.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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